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FREESCALE SEMICONDUCTOR, INC.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

MEDIATEK INC.,

Plaintiff,

v.

FREESCALE SEMICONDUCTOR, INC.,

Defendant.

Civil Action No. 4:11-cv-05341 (YGR)

**DECLARATION OF TORI THOMAS
IN SUPPORT OF STIPULATED
REQUEST TO EXTEND THE
DEADLINE FOR DISPOSITIVE AND
DAUBERT MOTIONS BY 3.5 HOURS**

Hon. Yvonne Gonzalez Rogers

1 I, Tori Thomas, declare as follows:

2 I am a senior paralegal with the law firm of Morrison & Foerster, LLP, counsel for
3 Defendant Freescale Semiconductor, Inc. (Freescale) in the above-captioned matter. I submit this
4 declaration in support of the parties' Stipulated Request to Extend the Deadline for Dispositive
5 and Daubert Motions by 3.5 Hours (Stipulated Request). I have personal knowledge of the facts
6 set forth in this declaration and, if called to testify as a witness, could and would do so
7 competently.

- 8 1. At 11:16 p.m. on Tuesday, November 5, 2013, I logged in to the Case
9 Management/Electronic Case Filing system ("CM/ECF") for the U.S. District
10 Court, Northern District of California and immediately started filing Freescale's
11 Motion to Exclude the Testimony of Catherine M. Lawton (and Stipulated
12 Administrative Motion to File Documents Under Seal) and its Motion for
13 Summary Judgment (and Stipulated Administrative Motion to File Documents
14 Under Seal) (Motions).
- 15 2. On the CM/ECF Motions page, under the 'File Under Seal' drop down, I entered
16 the file paths and document descriptions for the first of two Motions to Seal and 19
17 supporting attachments, and then selected the SUBMIT button to file the Motion.
- 18 3. The CM/ECF system gave me an error message due to one of the attachments and
19 returned me to the Motions web page, with all fields previously entered now
20 empty, and with an indication that the filing was not successful.
- 21 4. I tried twice more to enter the file paths and document descriptions for the Motion
22 to Exclude the Testimony of Catherine M. Lawton and 19 supporting documents
23 and tried half a dozen times to enter the file paths and document descriptions for
24 the Motion for Summary Judgment and 48 supporting documents. Each time, the
25 CM/ECF system returned me to the Motions web page, with all fields previously
26 entered empty, and with an indication that the filing was not successful. Some
27 exhibits were rejected multiple times. Following these efforts, one exhibit, in
28

particular, had to be printed out and scanned to PDF in order to be accepted by the CM/ECF filing system.

5. Attached as Exhibit 1 is a true and accurate copy of the automated email notification, indicating the successful filing of the Motion to Seal as Docket No. 302 at 12:36 a.m. on Wednesday, November 6, 2013

6. Attached as Exhibit 2 is a true and correct copy of the automated notification, indicating the successful filing of the Motion to Seal as Docket No. 303 at 3:13 a.m. on November 6, 2013.

7. I never logged off of the system during this time. If I had not encountered errors in the CM/ECF filing system that required entering file paths and document descriptions multiple times for each Motion and supporting documents, both Motions would have been filed before 11:59 p.m.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: November 8, 2013

/s/ *Tori Thomas*

Tori Thomas

ATTESTATION OF E-FILED SIGNATURE

I, Rudy Y. Kim, am the ECF User whose ID and password are being used to file this Declaration. In compliance with General Order 45, X.B., I hereby attest that Tori Thomas has concurred in this filing.

Dated: November 12, 2013

/s/ *Rudy Y. Kim*

Rudy Y. Kim